

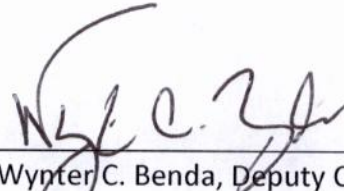


To the Honorable Council
City of Norfolk, Virginia

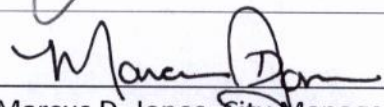
September 15, 2015

From: Judge John R. Doyle, III, Circuit Court

Subject: Ordinance accepting \$250,000 in grant funds and program fees up to \$10,000, and authorizing the expenditure of \$78,750 as a local cash match for the Adult Drug Treatment Court Grant.

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-19

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is a request to accept funding and appropriate expenditures for the Norfolk Circuit Court Adult Drug Court ("NCCADC") program in the amount of \$338,750 to be received as follows:

Expenditure	Amount
Supreme Court of Virginia Drug Treatment Court Grant	\$ 250,000
Program fees collected from participants	\$ 10,000
Previously appropriated local match funds from the City General Fund	\$ 78,750
Total	\$ 338,750

IV. **Analysis**

The NCCADC was established to enhance public safety by diverting non-violent individuals addicted to drugs to court-monitored treatment programs. This ordinance accepts grant

funds, program fees from clients, and provides a local cash match. The grant will provide salaries and fringe benefits for two (2) Norfolk Community Services Board Drug Court Counselors, two (2) Norfolk Probation and Parole Officers assigned to Drug Court, and one (1) Drug Court Coordinator assigned to the Circuit Court Judges' Office.

V. Financial Impact

The total grant award is \$250,000 with up to \$10,000 in program fees received from clients. This grant requires a local cash match of \$78,750 which was previously appropriated in the FY2016 General Fund Operating Budget.

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Budget and Strategic Planning, Department of Finance, City Attorney's Office, Clerk of the Norfolk Circuit Court and the judges of the Norfolk Circuit Court (through the Chief Judge).

Supporting Material from the Department of Law:

- Ordinance

8/11/2015 JEC/11

Form and Correctness Approved:

By [Signature]
Office of the City Attorney

Contents Approved:

By [Signature]
DEPT.

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 260,000.00
\$ 78,750.00

2275-111-8994-8994

1000-116-016-5501-208

[Signature]
Acting Director of Finance

Account

8-15-15

Date

ORDINANCE No.

AN ORDINANCE APPROVING THE ACCEPTANCE OF THE NORFOLK ADULT DRUG TREATMENT COURT GRANT AWARD OF \$250,000 FROM THE SUPREME COURT OF VIRGINIA FOR THE ADULT DRUG COURT PROGRAM AND PROGRAM FEES UP TO \$10,000 AND APPROPRIATING THE GRANT FUNDS AND PROGRAM FEES AND AUTHORIZING EXPENDITURE OF \$78,750 FROM PREVIOUSLY APPROPRIATED FUNDS AS A LOCAL CASH MATCH.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the acceptance of a \$250,000 grant award from the Supreme Court of Virginia, for the Adult Drug Court program, and program fees up to \$10,000 are hereby approved.

Section 2:- That the sum of \$260,000 in grants funds and program fees is hereby appropriated and authorized to be expended for the Adult Drug Court program, according to the terms and conditions of the Norfolk Adult Drug Treatment Court grant, when made available from the Supreme Court of Virginia.

Section 3:- That a local cash match in the amount of \$78,750 in previously appropriated funds is hereby authorized to be expended for the Adult Drug Court program from the Circuit Court Judges General Fund Account.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXECUTIVE SECRETARY
KARL R. HADE

ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL
EDWARD M. MACON

COURT IMPROVEMENT PROGRAM
LELIA BAUM HOPPER, DIRECTOR

EDUCATIONAL SERVICES
CAROLINE E. KIRKPATRICK, DIRECTOR

FISCAL SERVICES
JOHN B. RICKMAN, DIRECTOR

SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

June 18, 2015

HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR

JUDICIAL INFORMATION
TECHNOLOGY
ROBERT L. SMITH, DIRECTOR

JUDICIAL PLANNING
CYRIL W. MILLER, JR.,
DIRECTOR

JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
STEVEN L. DALLE MURA,
DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
KRISTI S. WRIGHT

Ms. Courtney Stewart
Specialized Dockets Director
Norfolk Circuit Court
150 St Paul's Blvd, 8th Floor
Norfolk, VA 23510

Supreme Court of Virginia Drug Treatment Court Grant,
Title: City of Norfolk ~~Adult Drug Treatment Court~~

Dear Ms. Stewart:

I am pleased to advise you that your grant for the above-referenced grant program has been approved in the amount of \$250,000 in State funds for fiscal year 2016.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Anna Powers, Drug Treatment Court Coordinator, at the Office of the Executive Secretary (OES). Please review the conditions carefully; as they require action on your part before we will disburse grant funds. Prior to the OES disbursing of funds, the Subgrantee must agree to comply with the following special conditions:

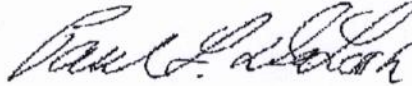
- a. Submit the quarterly grant reports by their due date to the Statewide Drug Treatment Court Coordinator.
- b. Maintain accurate & current data in the new web-based drug treatment court database beginning July 1, 2012.
- c. Submit a copy of your final federal grant report(s) and/or quarterly reports of any Federal grant funds awarded.

When we receive documentation showing that you have complied with the conditions, you will be eligible to request funds awarded under this grant. A **REQUEST FOR FUNDS** form is also included with this letter and should be used for this purpose. You may request funds at the same time you submit the documentation of compliance with the grant conditions or at any time thereafter. However, we cannot process your request until we have received and approved all required information.

Ms. Courtney Stewart
June 18, 2015
Page Two

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Anna Powers at 804-786-3321.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul F. DeLosh", written in a cursive style.

Paul F. DeLosh

PFD:atp
Enclosures

CC: Mr. Marcus Jones, City Manager
Mr. Thomas Larson, Chief Deputy Clerk
The Honorable Junius P. Fulton III, Judge Norfolk Circuit Court
Karl R. Hade, Executive Secretary
Anna Powers, Drug Treatment Court Coordinator

Supreme Court of Virginia
Office of the Executive Secretary
100 North Ninth Street Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee-- City of Norfolk	Date: June 18, 2015
Grant Period-- From: 10/1/2015	Through: 6/30/2016

Project Director	Project Administrator	Finance Officer
Ms. Courtney Stewart Specialized Dockets Director Norfolk Circuit Court 150 St Paul's Blvd, 8 th Floor Norfolk, VA 23510 Phone No: (757) 664-4742 Email: cstewart@circuitcourtva.us	Mr. Marcus Jones City Manager 810 Union Street Suite 1101 Norfolk, VA 23510 Phone No: (757) 664-4242 Email: marcus.jones@norfolk.gov	Mr. Thomas Larson Chief Deputy Clerk Norfolk Circuit Court Clerk's Office, 7 th Floor Norfolk, VA 23510 Phone No: (757) 664-4399 Email: tlarson@circuitcourtva.us

GRANT AWARD BUDGET

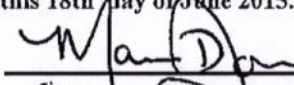
Budget Categories	Program Funds TOTALS
A. Personnel	\$250,000.00
B. Consultants	\$ -0-
C. Travel	\$ -0-
D. Equipment	\$ -0-
E. Indirect Expenses	\$ -0-
F. Supplies & Other Expenses	\$ -0-
TOTALS	\$250,000.00

This grant is subject to all rules, regulations, and criteria included in the grant application and the special conditions attached thereto.



Paul F. DeLosh, Director of Judicial Services

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this 18th day of June 2015.

Signature: 
Title: City Manager

GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant, for state funds administered by the Office of the Executive Secretary (OES), gives assurances and certifies with respect to the grant that it will comply with the following requirements:

1. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the OES shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.
2. **REPORTS:** Each applicant shall submit such reports as the OES shall reasonably request. Financial and progress reports shall be submitted to the OES on the **12th working day** following the close of each quarter. Late reports will be charged 10% of one quarter of the full grant award amount.
3. **INSPECTION AND AUDIT:** The applicant agrees to comply with the organizational audit requirements of OMB Circular A-128, "Audits of State and Local Governments." In conjunction with the beginning date of the award, the audit report period of the local government entity to be audited under the single audit requirement is the start-date of the project through the end-date of the project as noted on the Statement of Grant Award/Acceptance. The audit report shall be submitted no later than one (1) year from the end-date of the grant award as stated on the Statement of Grant Award/Acceptance, and for each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. A copy of all audits must be forwarded to the OES.
4. The applicant will comply, where applicable, with the following:
 - The Fair Labor Standards Act, if applicable.
5. **POLITICAL ACTIVITY:** The restrictions of the Hatch Act, Pub. L. 93-433, 5 USC Chapter III, (as amended), concerning the political activity of government employees are applicable to applicant staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns except they may not be candidates for office.
6. **DISCRIMINATION PROHIBITED:** No person shall, on the grounds of race, religion, color, national origin, sex, or handicap be excluded from participation in, be denied the benefits or be otherwise subjected to discrimination under or denied employment in connection with, grants awarded pursuant to the Justice Assistance Act of 1984, and the implementing regulations 28 CFR Part 42, Subparts C, D, E, and G, or any project, program, activity, or subgrant supported or benefiting from the grant. The applicant must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulations 28 CFR 41.101 et. seq.. The applicant must further comply with Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations; the Age Discrimination Act of 1973, as amended, and its implementing regulations and Title IX of the Education Amendments of 1972; Title 11 of the Americans with Disabilities Act (ADA)(1990); (42 USC. 12131-12134 & 28 CFR 35)
7. **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM:** Each applicant certifies, that it has executed and has on file, an Equal Employment Opportunity Program which

conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required. For continuation grant funding that exceed \$500,000 in any fiscal year the applicant must submit a statistical update from the previous year's plan.

8. The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the OES.

9. RELEASE OF INFORMATION: All records, papers and other documents kept by recipients of OES funds, and their contractors, relating to the receipt and disposition of such funds, are required to be made available to the OES. These records and other documents submitted to OES and its applicants pursuant to other provisions of the Act, including plans and application for funds, are required to be made available to OES under the terms and conditions of the Federal Freedom of Information Act, 5 USC 552.

10. INFORMATION SYSTEMS: With respect to programs related to criminal justice information systems, the applicant agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of the integrity and accuracy of data collection.

COV §18.2-154.1.N. requires the Office of the Executive Secretary to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local drug treatment court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested. To support this mandate the applicant further agrees:

- To comply with Drug Treatment Court Standard X, Practice 4, the drug treatment court must use and maintain current data in an information technology system as prescribed by the Office of the Executive Secretary.
- That all computer programs (software) developed with funds provided by this grant will be made available to the OES for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- To provide a complete copy of the computer programs and documentation, upon request, to the OES. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- That whenever possible all application programs will be written in standardized programming languages for use on general operating systems that can be utilized on at least three different manufacturers computers of similar size and configuration.
- To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Office of the Executive Secretary should be contacted to determine availability of software prior to any development effort.

11. CONFIDENTIALITY OF RESEARCH INFORMATION - Research information identifiable to an individual, which was obtained through a project funded wholly or in part with OES grant funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

12. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES: The applicant agrees to be in compliance with all policies as expressed under the Code of Federal Regulations, 28 CFR 23, concerning the operation of criminal intelligence systems funded with OES funds.

13. COPYRIGHT: Except as otherwise provided in the conditions of the award, the author is free to arrange for copyright without approval when publication or similar materials are developed from work under a OES supported project. Any such copyright materials shall be subject to the OES's right to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so for government purposes. In addition, communications in primary scientific or professional journals publishing initial reports or research or other activities and supported in whole or in part by the OES project funds may be copyrighted by the journal with the understanding that individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use. State employees who develop copyrights during work hours, or within the scope of their employment, or when using state-owned or state-controlled facilities, the copyrights vest in the Commonwealth.

14. PATENTS: If any discovery or invention arises or is developed in course of or as a result of work performed under this grant, the applicant shall refer the discovery or invention to OES. The applicant hereby agrees that determination of rights to inventions made under this grant shall be made by the OES or its duly authorized official representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title which may issue thereon. The determination of the OES, or its duly authorized representative shall be accepted as final. In addition, the applicant hereby agrees and otherwise recognizes that the OES shall acquire at least an irrevocable non-exclusive royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grant shall include provisions appropriate of effectuating the purpose of this condition in all contract of employment, consultant's agreements, or contracts.

15. The applicant assures that funds made available under this grant will not be used to supplant other state or local funds, but will be used to increase the amounts of such funds that would be, in the absence of these funds, made available for these activities.

16. Confidential expenditures for services, evidence and/or information must comply with the requirements stated in the Administrative Guide and Application Procedures Manual.

17. BIO MEDICAL EXPERIMENTATION: The applicant assures that no grant funds will be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation.

18. The applicant must state the percentage of the total cost of this program supported by federal funds and the dollar amount of federal funds for this program. This statement shall be on all quarterly grant reports, requests for proposals, bid solicitation and other documents describing the program whether funded in-whole or in-part with state or federal funds.

20. The grantee agrees that any publication (written, visual, or sound, but excluding press releases newsletters, and issue analyses) issued by the grantee or by any Applicant describing programs or projects funded in-whole or in-part with these Funds, shall contain the following statement:


This project was supported by Office of the Executive Secretary (OES) with funds made available to Virginia Drug Treatment Court Programs from Virginia General Funds.

Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of OES or the Commonwealth of Virginia.

The applicant also agrees that one copy of any such publication will be submitted to the OES to be placed on file and distributed as appropriate to other potential applicants or interested parties. OES may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

CERTIFICATION

I certify that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of all other federal and state laws and rules and regulations that apply to this award.



Authorized Official
(Project Administrator)

7/21/15

Date

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Supreme Court of Virginia
Office of the Executive Secretary
Judicial Services Department
100 North Ninth Street
Richmond, Virginia 23219

For the Supreme Court of Virginia Drug Treatment Court Grant Program to Localities

Subgrantee: City of Norfolk

Title: Norfolk Adult Drug Court

Date: June 18, 2015

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:
 - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by the OES;
 - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
 - and to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.
2. The subgrantee agrees to submit such reports as requested by the OES on forms provided by the OES. Funds from this grant will not be disbursed, if any of the required Financial or Progress reports are overdue by more than 30 days unless you can show good cause for missing the reporting deadline.
3. Grant funds, including local match, may be expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 60 days after the end of the grant period. The grant recipient agrees to supply a final grant financial report and return all received and unexpended grant funds (exclusive of local match) to the OES within 60 days after the end of the grant liquidation period.
4. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.
5. Subgrantee may follow their own established travel rates if they have an established travel policy. If a subgrantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. The state allows \$0.55 per mile for mileage. Transportation costs for air and rail must be at coach rates.
6. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to the OES, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from the OES for a new implementation date or the OES may cancel and terminate the project and redistribute the funds.

7. No amendment to the approved budget may be made without the prior written approval of OES. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the enclosed budget amendment request form accompanied with a narrative. No budget amendments will be allowed after Friday April 15, 2016.
8. The subgrantee agrees to forward a copy to the OES of the scheduled audit of this grant award.
9. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the OES and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the OES. Permission to make sole source procurements must be obtained from the OES in advance.
10. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.
11. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.
12. PROJECT INCOME: Any funds generated as a direct result of the OES grant funded projects are deemed project income. Project income must be reported on forms provided by the OES. The following are examples of project income: Service fees; Client fees; Drug test fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).
13. Prior to the OES disbursing funds, the Subgrantee must comply with the following special conditions:

None.